

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**TIMMY MCDONALD,**

**Plaintiff,**

**v.**

**Civil Action No. 2:07cv82  
(Judge Maxwell)**

**UNITED STATES OF AMERICA,  
S. L. HAMLING, DEBORAH  
LIVINGSTON, K. M. WHITE,  
HARRELL WATTS AND UNKNOWN  
EMPLOYEES OF FCI-GILMER,**

**Defendants.**

**ORDER ON PLAINTIFF'S PENDING MOTIONS**

The *pro se* plaintiff initiated this case on October 15, 2007, by filing a civil rights complaint against the above-named defendants. On January 18, 2008, the Court received an Order from the United States District Court for the Western District of Kentucky in which that Court transferred a Motion for Addendum to Complaint (“addendum motion”) to this Court. In doing so, the Kentucky Court explained that it had received a Motion for Addendum to Complaint in one of the plaintiff’s cases in that Court. However, the Court determined that the motion had been improperly filed in that case, struck the motion from its case, and transferred the motion to this Court.

On January 28, 2008, the plaintiff filed a Motion to Strike Error from Records in the instant case. In the motion, the plaintiff explains that he did not intend for his addendum motion to be filed in this case. More specifically, the plaintiff asserts that his addendum motion was erroneously transferred to this court, that the motion was instead, intended for another case in another court and that this court does not have jurisdiction over said motion. Therefore, the plaintiff requests the addendum motion transferred to this Court by the Western District of Kentucky be stricken from this

case.

Upon due consideration, the plaintiff's Motion to Strike Error from Records (dckt. 15) is **GRANTED**. The Clerk is directed to **STRIKE** the plaintiff's Motion for Addendum to Complaint (dckt. 11) and remove it from the active docket of this Court.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* plaintiff.

DATED: January 29, 2008.

*John S. Kaull*  
JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE